

MITIGATED NEGATIVE DECLARATION

March 6, 2008

Project Name: Lang Minor Residential Subdivision (4 lots)

Project Number(s): TPM 20975RPL², Log No. 05-08-028

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for cultural resources, drainage, stormwater management, biology, and fire protection.
1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.
2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. TRANSPORTATION

1. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

B. BIOLOGY

1. Prior to issuance of any permit and prior to recordation of the Parcel Map, the applicant shall grant by separate document to the County of San Diego and the California Department of Fish and Game an open space easement, or grant by separate document to the California Department of Fish and Game, a conservation easement, as shown on TPM 20975RPL² dated December 13, 2007 on file with the Department of Planning and Land Use as Environmental Review Number 05-08-028. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation. [DPLU, FEE]

The sole exception(s) to this prohibition are:

- a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the Uniform Fire Code and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of Planning and Land Use.

2. Prior to issuance of any permit and prior to recordation of the Parcel Map the applicant shall grant by separate document to the County of San Diego a Limited Building Zone Easement as shown on TPM 20975RPL² dated December 13, 2007 on file with the Department of Planning and Land Use as Environmental Review Number 05-08-028. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibits the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are: **[DPLU, FEE]**
 - a. Decking, fences, and similar facilities.
 - b. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.
3. Prior to issuance of any permit and prior to recordation of the Parcel Map, the applicant shall provide for the approval of the Director of Planning and Land Use evidence that 2.0 acres of Tier II or higher habitat credit has been secured in a mitigation bank approved by the California Department of Fish & Game, located within the Multiple Species Conservation Program (MSCP). Evidence of purchase shall include the following information to be provided by the mitigation bank: **[DPLU, FEE X 2]**
 - a. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 - b. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 - c. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.

- d. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

-OR-

Provide for the conservation and habitat management of a minimum of 2.0 acres of Tier II or higher habitat located within the MSCP in an area designated as PAMA or meeting the definition of a BRCA. A Resource Management Plan (RMP) for the Tier II or higher habitat must be submitted and approved by the Director of the Department of Planning and Land Use. The plan shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Requirement Guidelines. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the RMP. Alternatively, proof that a federal, state or local government agency with the primary mission of resource management has taken fee title to the land will be accepted in lieu of an easement.

4. Prior to issuance of any permit and prior to recordation of the Parcel Map, the applicant shall provide for the approval of the Director of Planning and Land Use evidence that 3.4 acres of Tier III or higher habitat credit has been secured in a mitigation bank approved by the California Department of Fish & Game, located within the Multiple Species Conservation Program (MSCP). Evidence of purchase shall include the following information to be provided by the mitigation bank: [DPLU, FEE X 2]
 - a. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 - b. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 - c. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or

similar land constraint has been placed over the mitigation land.

- d. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

-OR-

Provide for the conservation and habitat management of a minimum of 3.4 acres of Tier III or higher habitat located within the MSCP in an area designated as PAMA or meeting the definition of a BRCA. A Resource Management Plan (RMP) for the Tier II or higher habitat must be submitted and approved by the Director of the Department of Planning and Land Use. The plan shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Requirement Guidelines. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the RMP. Alternatively, proof that a federal, state or local government agency with the primary mission of resource management has taken fee title to the land will be accepted in lieu of an easement.

5. Prior to the issuance of any building, grading, or construction permit, or approval of any grading, improvement, or building plans, and prior to recordation of the Parcel Map, provide evidence to the satisfaction of the Director of Planning and Land Use, that the open space signage has been installed.

The applicant shall submit a statement from a California Registered Engineer or licensed surveyor that all open space signs along the open space boundary of lots(s) 1 as shown on the Open Space Fencing and Signage Plan dated February 28, 2008 on file with the Department of Planning and Land Use as Environmental Review Number 05-08-028 have been installed. **[DPLU, FEE]**

- a. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

"Sensitive Environmental Resources"
Disturbance Beyond this Point is Restricted

by Easement
Information:

Contact County of San Diego, Department of Planning and Land Use
Ref: 05-08-028"

6. Prior to the approval of the grading, improvement, or building plans, submit to the satisfaction of the Director of Planning and Land Use; a statement from a California Registered Engineer, or licensed surveyor that temporary construction fences have been placed in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The temporary fencing condition shall be released on a parcel-by-parcel basis. [DPLU, FEE]
7. Prior to the issuance of any Building, grading, or construction permit, or approval of any grading, improvement, or building plans, provide evidence to the satisfaction of the Director of Planning and Land Use the grading, and or improvement plans, and or building plans show permanent fences or walls along the open space boundary of lots(s) 1 as shown on the Open Space Fencing and Signage Plan dated February 28, 2008 on file with the Department of Planning and Land Use as Environmental Review Number 05-08-028. [DPLU, FEE]
 - a. The fence or wall shall be a minimum of four feet (4') high and consist of chain link. Any change in construction materials and fence or wall design shall be approved by the Department of Planning and Land Use prior to installation.
8. Prior to the approval of any grading, improvement, or building plans and issuance of any permit, provide evidence to the satisfaction of the Director of Planning and Land Use or Public Works, that the following specific environmental notes have been placed on any of the following plans as applicable: grading, and or improvement plans, and or building plans:
 - a. "Temporary construction fencing is required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The temporary fencing shall be removed after the conclusion of such activity."
 - b. "Prior to the conclusion of grading activities and Final Grading Release or Occupancy of any building: Placement

of permanent fencing or walls is required. Provide evidence to the satisfaction of the Director of Planning and Land Use that the permanent fences or walls, and open space signs have been installed along the biological open space boundary of lots(s) 1 as shown on the Open Space Fencing and Signage Plan dated February 28, 2008 on file with the Department of Planning and Land Use as Environmental Review Number 05-08-028. Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent walls or fences, and open space signs have been installed.”

- c. “Prior to the conclusion of grading activities and Final Grading Release or Occupancy of any building: Placement of open space signs is required.
 - 1) Provide evidence to the satisfaction of the Director of Planning and Land Use that the permanent fences or walls, and open space signs have been installed along the biological open space boundary of Lot 1 as shown on the Open Space Fencing and Signage Plan dated February 28, 2008 on file with the Department of Planning and Land Use as Environmental Review Number 05-08-028.
 - 2) Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent walls or fences, and open space signs have been installed.”
- d. “Restrict all brushing, clearing and/or grading such that none will be allowed within 300 feet of Coastal sage scrub habitat during the breeding season of the California gnatcatcher. This is defined as occurring between March 1 and August 15. The Director of Planning and Land Use may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, that no California gnatcatcher nests are present in the vicinity of the brushing, clearing or grading.”

C. CULTURAL RESOURCES

Prior to approval of grading and/or improvement plans, the applicant shall:

Take the following action related to the grading monitoring and data recovery program to mitigate potential impacts to undiscovered buried archaeological resources to the satisfaction of the Director of Planning and Land Use.

1. Provide evidence to the satisfaction of the Director of Planning and Land Use that a County certified archaeologist has been contracted to implement a grading monitoring and data recovery program. A letter from the Principal Investigator shall be submitted to the Director of Planning and Land Use. The letter shall include the following guidelines: **[DPLU, FEE]**
 - a. The project archaeologist shall contract with a Native American monitor to be involved with the grading monitoring program as outlined in the County of San Diego Report Format and Content Guidelines (2006).
 - b. The County certified archaeologist/historian and Native American monitor shall attend the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program as outlined in the County of San Diego Report Format and Content Guidelines (2006).
 - c. The project archaeologist shall monitor all areas identified for development including off-site improvements.
 - d. An adequate number of monitors (archaeological/historical/ Native American) shall be present to ensure that all earth moving activities are observed and shall be on-site during all grading activities for areas to be monitored.
 - e. During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and Native American monitor(s) shall be on-site full-time to perform full-time monitoring. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Native American monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Principal Investigator.

- f. Isolates and clearly non-significant deposits shall be minimally documented in the field and the monitored grading can proceed.
- g. In the event that previously unidentified potentially significant cultural resources are discovered, the archaeological monitor(s) shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. The Principal Investigator shall contact the County Archaeologist at the time of discovery. The Principal Investigator, in consultation with the County staff archaeologist, shall determine the significance of the discovered resources. The County Archaeologist must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the Principal Investigator and approved by the County Archaeologist, then carried out using professional archaeological methods.
- h. If any Native American burials, human skeletal or other remains including associated grave goods are discovered, the Principal Investigator shall contact the County Coroner. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant (MLD) as identified by the Native American Heritage Commission shall be contacted by the Principal Investigator in order to determine proper treatment and disposition of the remains.
- i. Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The Principal Investigator shall determine the amount of material to be recovered for an adequate artifact sample for analysis.
- j. In the event that previously unidentified cultural resources are discovered, all cultural material collected during the grading monitoring program shall be processed and curated at a San Diego facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for

further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.

- k. In the event that previously unidentified cultural resources are discovered, a report documenting the field and analysis results and interpreting the artifact and research data within the research context shall be completed and submitted to the satisfaction of the Director of Planning and Land Use prior to the issuance of any building permits. The report shall include Department of Parks and Recreation Primary and Archaeological Site forms.
 - l. In the event that no cultural resources are discovered, a brief letter to that effect shall be sent to the Director of Planning and Land Use by the consulting archaeologist that the grading monitoring activities have been completed.
2. Provide Evidence to the Director of Public Works (DPW) that the following notes have been placed on the Grading Plan:
- a. The County certified archaeologist/historian and Native American monitor shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the monitoring program.
 - b. The project archaeologist shall monitor all areas identified for development including off-site improvements.
 - c. During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and Native American monitor(s) shall be on-site full-time to perform full-time monitoring. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Native American monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Principal Investigator.

- d. In the event that previously unidentified potentially significant cultural resources are discovered, the archaeological monitor(s) shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. The Principal Investigator shall contact the County Archaeologist at the time of discovery. The Principal Investigator, in consultation with the County staff archaeologist, shall determine the significance of the discovered resources. The County Archaeologist must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the Principal investigator and approved by the County Archaeologist, then carried out using professional archaeological methods.
- e. The archaeological monitor(s) and Native American monitor shall monitor all areas identified for development.
- f. If any Native American burials, human skeletal or other remains including associated grave goods, are discovered, the Principal Investigator shall contact the County Coroner. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted by the Principal Investigator in order to determine proper treatment and disposition of the remains.
- g. Prior to rough grading inspection sign-off, provide evidence that the field grading monitoring activities have been completed to the satisfaction of the Director of Planning and Land Use. Evidence shall be in the form of a letter from the Principal Investigator. [DPLU, FEE]

- h. Prior to Final Grading Release, submit to the satisfaction of the Director of Planning and Land Use, a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program. The report shall include the following:
 - 1) Department of Parks and Recreation Primary and Archaeological Site forms.
 - 2) Evidence that all cultural collected during the grading monitoring program has been curated at a San Diego facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.

3. Critical Project Design Elements and Requirements That Must Become Conditions of Approval:

The following project design elements and requirements were either proposed in the project application or the result of compliance with specific laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

A. THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH BEFORE A PARCAL MAP IS APPROVED BY THE COUNTY OF SAN DIEGO, DEPARTMENT OF PUBLIC WORKS, AND FILED WITH THE COUNTY RECORDER OF SAN DIEGO COUNTY:

- 1. THE PARCAL MAP SHALL SHOW AN ACCURATE AND DETAILED VICINITY MAP.

2. ACCESS [DPW]

- a. The subdivider shall furnish to the County of San Diego, Department of Public Works, recorded documentation showing that the land division is connected to a publicly maintained road by an easement for road purposes. This easement shall be forty feet (40') wide as specified in Section 81.703(a)(2) and/or (b)(1), unless proof is furnished that a lesser width is applicable under Section 81.703(l)(1) of the County Code, and shall be for the benefit and use of the property being divided. Recordation data for said easement shall be shown on the Parcel Map. This requirement applies to off-site access to all proposed parcels. Access to this subdivision is by a Permanent Road Division (PRD 104 and 104A), Artesian Trail.

3. SIGHT DISTANCE [DPW]

- a. Have a registered civil engineer, a registered traffic engineer, or a licensed land surveyor provide a certified signed statement that physically, there is a minimum unobstructed sight distance in both directions along Artesian Trail from Trailside Road, per the Design Standards of Section 6.1.E of the County of San Diego Public Road Standards (approved July 14, 1999), or to the satisfaction of the Director of Public Works. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that said lines of sight fall within the existing right-of-way and a clear space easement is not required.

4. PRIVATE ROAD EASEMENTS [DPW] [FIRE]

- a. The Parcel Map shall show a thirty-eight foot (38') minimum radius cul-de-sac or a hammerhead turnaround located at the terminus of the to-be-named private easement road at Parcels 2 and 3, to the satisfaction of the Rancho Santa Fe Fire Protection District and the County of San Diego, Director of Public Works. [FIRE]
- b. The Parcel Map shall show a minimum twenty-foot (20') radius return at the intersection of the road easement on-site.
- c. The Parcel Map shall show a forty-foot (40') wide private road easement for the to-be-named on-site private road serving the proposed parcels.

5. TRAIL DEDICATIONS [DPLU]

- a. The subdivider shall offer to dedicate a fifteen-foot (15') wide Pedestrian and Equestrian Trail Easement to the County of San Diego for the San Dieguito Community Plan along, adjacent to, and outside the proposed right-of-way for Trailside Drive (along the northerly project boundary). The Tentative Parcel Map shall show the offer being accepted. The subdivider will not be required to construct the trail.

6. SPECIAL DISTRICTS/ROAD MAINTENANCE/COVENANTS/DEVELOPMENT IMPACT FEES [DPW]

- a. The subdivider shall authorize special districts to process the project into the San Diego County Street Lighting District. After recordation of the Parcel Map, the land division shall be transferred, without notice or hearing, to Zone "A" of the San Diego County Street Lighting District to maintain existing street lights.
- b. The subdivider shall provide for maintenance of the proposed on-site private street that serves the project through a private road maintenance agreement.

7. FACILITY/UTILITY ARRANGEMENTS [DPW] [DPLU]

- a. Where private easement roads are not being dedicated, or where each of the proposed parcels is not on a public street, the subdivider shall provide the County of San Diego, Director of Public Works, with letters from serving utility companies stating that arrangements satisfactory to the utility have been made to serve all parcels being created. No letter will be required from the following: Pacific Bell, Olivenhain Municipal Water District, Yucca Mutual Water Company, and Rainbow Municipal Water District. [DPW]
- b. The subdivider shall comply with Section 66436 of the Government Code by furnishing to the County of San Diego, Department of Public Works, a certification from each public utility and each public entity owning easements within the proposed land division stating that: (a) they have received from the subdivider a copy of the proposed Parcel Map; (b) they object or do not object to the filing of the Map without their signature. [DPW]

- c. Plans and specifications for the installation of a sewer system serving each parcel must be approved by the County of San Diego, Director of Public Works. The subdivider shall dedicate all necessary easements for that portion of the sewer system which is to be public sewer. [DPW]
- d. The subdivider shall cause all of the land within this land division to be annexed into the Rancho Santa Fe Community Services District.
- e. A commitment to serve each parcel must be obtained/purchased from the Rancho Santa Fe Community Services District. In addition to the capacity commitment fees, the developer shall pay all of the appropriate district fees at the issuance of the waste-water discharge permit. [DPW]
- f. Prior to recordation of the Parcel Map, approval of improvement and/or grading plans, issuance of excavation permits, and issuance of any further grant of approval, the owners of this project will be required to sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy and that they have contacted all adjacent property owners and solicited their participation in the extension of utilities.

8. FLOODING/DRAINAGE [DPW]

- a. The drainage swales which flow through the property shall be shown and labeled "Drainage Swale" on the Parcel Map. The County of San Diego, Director of Public Works, will provide this information by annotating the copy of the Tentative Parcel Map.
- b. Lines of inundation to the limits of the 100-year flood along the .watercourses, which flow through the property, shall be shown and labeled "Subject To Inundation By The 100-Year Flood" on the Parcel Map.
- c. The subdivider's civil engineer will provide the necessary hydrology and hydraulics to define the 100-year floodplain limits and annotate the limits on a copy of the Map, approved by the County of San Diego, Director of Planning and Land Use. Each parcel shall have a flood-free building site to the satisfaction of the County of San Diego, Director of Public Works. If any of the parcels are found to be devoid of a buildable, flood-free site for a residence, the subdivider shall take appropriate action so that each parcel does

have a buildable flood-free site. This pertains to watersheds having area of twenty-five (25) or more acres.

- A. BECAUSE THEY HAVE BEEN FOUND NECESSARY FOR THE PUBLIC HEALTH AND SAFETY AND ARE A NECESSARY PREREQUISITE TO THE ORDERLY DEVELOPMENT OF THE AREA, THE FOLLOWING PUBLIC IMPROVEMENTS MUST BE COMPLETED OR A SECURED AGREEMENT EXECUTED, PRIOR TO RECORDING A PARCAL MAP. THE AGREEMENT REQUIRES POSTING OF SECURITY IN FORM OF A CASH DEPOSIT, IRREVOCABLE LETTER OF CREDIT OR AN INSTRUMENT OF CREDIT VALUED AT, OR MORE THAN THE ESTIMATED IMPROVEMENT COST. IT ALSO REQUIRES IMPROVEMENTS BE COMPLETED WITHIN TWENTY-FOUR (24) MONTHS FROM THE DATE OF RECORDING THE PARCAL MAP OR PRIOR TO THE ISSUANCE OF A PERMIT OR OTHER GRANT OF APPROVAL FOR THE DEVELOPMENT OF A PARCEL CREATED BY THIS MAP, WHICHEVER OCCURS FIRST UNLESS OTHERWISE NOTED. NOTE: THE PROCESSING OF SECURITY TAKES APPROXIMATELY TWO (2) MONTHS. YOU SHOULD INITIATE THIS PROCESS TWO (2) MONTHS PRIOR TO RECORDING THE PARCAL MAP.

1. FACILITY/UTILITY IMPROVEMENTS [DPW] [DPLU]

- a. The subdivider shall install the sewer system and dedicate the portion of the sewer system which is to be public sewer as shown on the approved plans and specifications. [DPW]
- b. The subdivider may be required to grade an access road to maintain any public sewer constructed within easements and may be required to dedicate additional access easements to maintain the public sewers. [DPW]

- B. THE FOLLOWING IMPROVEMENTS MAY BE COMPLETED PRIOR TO RECORDING OF A PARCAL MAP OR THEY MUST BE LISTED ON THE PARCAL MAP AND THE SUBDIVIDER SHALL EXECUTE A "COVENANT OF IMPROVEMENT REQUIREMENTS" WHICH SHALL LIST THE CONDITIONS THAT REMAIN TO BE COMPLETED. THE COVENANT SHALL BE RECORDED BY THE COUNTY OF SAN DIEGO, DEPARTMENT OF PUBLIC WORKS, PRIOR TO RECORDING THE PARCAL MAP. THE COVENANT SHALL BE NOTED ON THE PARCAL MAP.

(IMPROVEMENT PLANS AND COST ESTIMATES ARE NOT DEFERRABLE)

THE COVENANT OF IMPROVEMENT REQUIREMENTS SHALL NOTE THE ESTIMATE OF COST TO INSTALL AND/OR CONSTRUCT ANY DEFERRED

IMPROVEMENTS. THE ESTIMATE OF COST SHALL BE BASED UPON IMPROVEMENT PLANS. THE PLANS SHALL INCLUDE A SIGNED STATEMENT BY THE PRIVATE ENGINEER-OF-WORK STATING THAT THE PLANS ARE SUFFICIENT FOR THE PURPOSE OF PROVIDING THE REQUIRED ESTIMATE OF THE COST FOR THE PRIVATE EASEMENT ROADS AND PRIVATE FACILITIES. THE ESTIMATE SHALL HAVE THE ENGINEER'S SIGNATURE AND STAMP ON THE FRONT PAGE ALONG WITH A STATEMENT THAT IT IS THE ENGINEER'S ESTIMATE OF THE APPROXIMATE COST AS OF THE DATE THE ESTIMATE WAS PREPARED FOR THE PRIVATE ROAD AND FACILITIES REQUIRED BY THE FINAL NOTICE OF APPROVAL AND THE SAN DIEGO COUNTY STANDARDS FOR PRIVATE STREETS. SAID COVENANT SHALL BE TITLED "COVENANT OF IMPROVEMENT REQUIREMENT, A BUILDING PERMIT PROHIBITION".

IF THE COVENANT HAS BEEN RECORDED, NO BUILDING PERMIT AND NO FURTHER GRANT OF APPROVAL FOR DEVELOPMENT MAY BE ISSUED UNTIL THE SUBDIVIDER PRESENTS A COPY OF THE RELEASE OF IMPROVEMENT REQUIREMENTS RECORDED BY THE DEPARTMENT OF PUBLIC WORKS, STATING THAT ALL OF THE REQUIRED IMPROVEMENTS LISTED IN THE COVENANT OF IMPROVEMENT REQUIREMENTS AND NOTED ON THE PARCAL MAP HAVE BEEN COMPLIED WITH, EXCEPT A GRADING OR CONSTRUCTION PERMIT AND/OR A PERMIT TO INSTALL UTILITIES WITHIN THE PRIVATE EASEMENT MAY BE ISSUED. (NOTE: FOR WATER STORAGE FACILITIES AND/OR FUEL BREAKS, A RELEASE OF IMPROVEMENT REQUIREMENTS IS ONLY REQUIRED TO STATE THAT THE IMPROVEMENTS HAVE BEEN COMPLIED WITH FOR THE PARTICULAR PARCEL FOR WHICH A BUILDING PERMIT IS BEING REQUESTED.) [DPW] [DPLU]

1. PRIVATE ROAD IMPROVEMENTS [DPW] [FIRE]

- a) In the event these improvements are deferred, the subdivider shall execute such documents as deemed necessary by the County of San Diego, Director of Public Works, indemnifying the County from liability arising from the improvement of any off-site easement. This indemnification shall also be noted on the Parcal Map.
- b. The **cul-de-sac** shall be graded to a radius of thirty-eight feet (38') and improved with asphalt concrete to a radius of thirty-six feet (36'), or the hammerhead turnaround shall be graded and improved with asphalt concrete to the satisfaction of the Rancho Santa Fe Fire Protection District and the County of San Diego, Director of Public Works. [FIRE]

- c. **Trailside Road**, from Artesian Trail to the proposed to-be-named on-site private easement road shall be graded twenty-eight feet (28') wide and improved twenty-four feet (24') wide with asphalt concrete. The Improvement and Design Standards of Section 3.1(C) of the County Standards for Private Streets for one hundred one to seven hundred fifty (101 - 750) trips shall apply to the satisfaction of the Director of Public Works.
- d. The **to-be-named private easement road**, from Trailside Road to the cul-de-sac at Parcels 2 and 3, shall be graded twenty-eight feet (28') wide and improved twenty-four feet (24') wide with asphalt concrete. The Improvement and Design Standards of Section 3.1(C) of the County Standards for Private Streets for one hundred (100) trips or less shall apply to the satisfaction of the Director of Public Works.
- e. Plans and a processing deposit for the private road improvements, as determined by the County of San Diego, Department of Public Works, shall be submitted to the Improvements and Grading Group of the County of San Diego, Department of Public Works. All improvement plans shall be designed in accordance with County Standards for Private Streets.
- f. Prior to construction of private road improvements, the subdivider shall notify the County of San Diego, Department of Public Works, submit copies of the blueline plans, and post an inspection deposit.
- g. A street name sign, with a County approved street name, shall be installed and located at the intersection of Artesian Trail and Trailside Road per San Diego County Design Standards DS-13.
- h. A street name sign, with a County approved street name, shall be installed and located at the intersection of Trailside Road and the on-site to-be-named private easement road per San Diego County Design Standards DS-13.
- i. A registered civil engineer or a licensed land surveyor shall provide a signed statement that: "The on-site to-be-named private easement road, including all slopes and the cul-de-sac or hammerhead turnaround, from Trailside Road to the cul-de-sac at Parcels 2 and 3, is constructed entirely within the easement, including drainage structures, for the benefit of the land division."
NOTE: If the slopes for the improvement fall outside of the

easement, mitigating structures shall be utilized so the improvement is within the easement or a letter of permission shall be obtained and the engineer or surveyor shall further certify that: "A letter of permission has been obtained for work outside of the easement limits."

- j. A registered civil engineer or a licensed land surveyor shall provide a signed statement that: "Trailside Road, including all slopes and the cul-de-sac or hammerhead turnaround, from Artesian Trail to the proposed on-site to-be-named private easement road, is constructed entirely within the easement, including drainage structures, for the benefit of the land division." NOTE: If the slopes for the improvement fall outside of the easement, mitigating structures shall be utilized so the improvement is within the easement a letter of permission shall be obtained and the engineer or surveyor shall further certify that: "A letter of permission has been obtained for work outside of the easement limits."
- k. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing. The above shall be done to the satisfaction of the Director of Public Works.
- l. The structural section, both new and existing, for the private road shall be approved by the County of San Diego, Department of Public Works Materials Laboratory, prior to construction per Section 3.11 of the San Diego County Standards for Private Streets.
- m. The on-site to-be-named private easement road and Trailside Road shall be posted with "NO PARKING" signs to the satisfaction of the Rancho Santa Fe Fire Protection District. [FIRE]
- n. The on-site to-be-named private easement road and Trailside Road shall have an unobstructed vertical clearance of fifteen feet (15') to the satisfaction of the Rancho Santa Fe Fire Protection District. [FIRE]
- o. A registered civil engineer, a registered traffic engineer, or a licensed land surveyor shall provide a signed statement that: "Physically, there is adequate unobstructed sight distance in both

directions from Trailside Road along Artesian Trail per the Design Standards of Section 6.1.E of the County of San Diego Public Road Standards." The currently obstructing sight distance shall be removed or cut back. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

- p. A registered civil engineer, a registered traffic engineer, or a licensed land surveyor shall provide a signed statement that: "Physically, there is adequate unobstructed sight distance in both directions from the to-be-named on-site private easement road along Trailside Road, per the Design Standards of Section 6.1.E of the County of San Diego Public Road Standards." The currently obstructing sight distance shall be removed or cut back. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

C. OTHER REQUIREMENTS [DPW] [DPLU]

1. The Basis of Bearings for the Parcel Map shall be in terms of the California Coordinate System Zone 6 NORTH AMERICAN DATUM OF 1983 by use of existing Horizontal Control. **To be in compliance with the Public Resources Code, all Parcel Map surveys performed after January 1, 2000 must use a Basis of Bearings established from existing Horizontal Control Stations with first order accuracy.**
2. Prior to January 1, 2000, a survey for any Parcel Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California coordinate values of Third order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of Ground-to-Grid distances shall be shown on the map, all to the satisfaction of the County of San Diego, Director of Public Works (Refer to San Diego County Subdivision Ordinance Section 81.811 and 81.506(j)).

After December 31, 1999, a survey for any Parcel Map that is to be based on state plane coordinates shall show two measured ties from the

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boundary of the subject property to existing Horizontal Control station(s) having California Coordinate values of first order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as Ground distances. A combined factor for conversion of Grid-to-Ground distances shall be shown on the map.

For purposes of this section, the date of survey for the field observed connections shall be the date of survey as indicated in the surveyor's/engineer's certificate as shown on the Final Map.

3. Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9424 and Ordinance No. 9426) and all other applicable ordinances and standards. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acres or greater require that the property owner keep additional and updated information onsite concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

ALYSSA MAXSON, Planning Manager
Regulatory Planning Division

AM:CP:jcr

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